

REMARKS/ARGUMENTS

In the Final Office Action mailed October 16, 2008, claims 1, 3-8, 10-14, and 16-22 were rejected. In response, Applicant proposes amending claims 6 and 20, canceling claims 4 and 11, and adding claims 23-25. Applicant respectfully requests that the amendments be entered to put the claims in condition for allowance or to put the claims in better condition for appeal. Applicant hereby requests reconsideration of the application in view of the proposed amendments and the below-provided remarks.

Claim Rejections under 35 U.S.C. 103

Claims 1, 3-4, 7-8, 10-11, 14, 16-17, and 20-22 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer et al. (U.S. Pat. No. 7,084,769, hereinafter Bauer) in view of Cesar et al. (U.S. Pat. No. 6,172,596, hereinafter Cesar), and further in view of Vacherand et al. (U.S. Pat. No. 6,650,228, hereinafter Vacherand). Claims 5-6, 12-13, and 18-19 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar, and further in view of Meier. Applicant respectfully submits that the pending claims are patentable over Bauer, Cesar, Vacherand, and Meier for the reasons provided below.

Independent Claim 1

Applicant respectfully asserts that Vacherand does not teach that “*the transponder emits the presence-signaling signal with a first signal duration and the response signal with a second signal duration, and wherein the first signal duration is shorter than the second signal duration,*” as recited in claim 1.

The Final Office Action indicates that the presence-signaling signal of claim 1 is taught by the sequence number of a tag and that the response signal of claim 1 is taught by the ID code of a tag, see pages 5 and 6 of the Final Office Action.

As stated in the Final Office Action, Vacherand teaches that the sequence number assigned to each tag has a bit length much shorter than the ID code length of the corresponding tag, see column 3 lines 11-18. Vacherand further teaches a tag identification phase (20), see Fig. 1 and column 3 lines 47-53. In the tag identification phase (20), each bit making up the ID code of each tag is transmitted from the tag to an

interrogator and identified by the interrogator (block 21). Then the identified tag is assigned a sequence number (block 23). That is, Vacherand teaches that the entire ID code of a tag is transmitted from the tag to an interrogator before a sequence number is assigned to the tag. Because the sequence number is assigned to the tag after the entire ID code of the tag is transmitted from the tag to the interrogator, the sequence number of Vacherand is not a presence-signaling signal sent by the tag. That is, because the sequence number is assigned to the tag by the interrogator only after the tag transmits its ID code to the interrogator, the sequence number in no way makes up a presence-signaling signal. The fact that the sequence number in Vacherand is smaller than the entire ID code teaches nothing about the duration of a presence-signaling signal relative to the duration of a response signal. Because Vacherand teaches nothing about the duration of a presence-signaling signal relative to the duration of a response signal, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established.

Dependent Claims 3, 5-6, 20, and 23-25

Applicant proposes amending claim 6 to include the limitation “*the two different subcarrier frequencies are 283 kilohertz and 424 kilohertz.*” Applicant also proposes amending claim 20 to include the limitation “*the response signal includes the identification data ID of the transponder.*” Support for the proposed amendments to claims 6 and 20 can be found in Applicant’s specification at, for example, paragraph [0030] (U.S. Pat. Pub. No 2006/0109086 A1). Additionally, Applicant proposes adding claims 23-25. Support for new claims 23-25 can be found in Applicant’s specification at, for example, paragraph [0064] (U.S. Pat. Pub. No 2006/0109086 A1).

Claims 3, 5-6, 20, and 23-25 depend from and incorporate all of the limitations of the independent claim 1. Applicant respectfully asserts that claims 3, 5-6, 20, and 23-25 are allowable at least based on an allowable claim 1. Additionally, claims 6 and 23-25 may be allowable for further reasons respectively, as described below.

Applicant respectfully asserts that Meier does not teach that “*the two different subcarrier frequencies are 283 kilohertz and 424 kilohertz,*” as recited in amended claim

6. Meier teaches two carrier frequencies, 134.2 kHz and 433 MHz, which are different from the two carrier frequencies 283 kHz and 424 kHz of claim 6.

Applicant respectfully asserts that Cesar does not teach the limitations of claim 23 and claim 25. Cesar teaches that a tag transmits the tag type number to a base station (45), see Fig 4 block 415 and column 5 lines 58-59. However, Cesar does not teach that the tag transmits the tag type number to the base station (45) multiple times at random intervals or repeatedly at recurrent intervals to ensure the base station (45) reliably receives at least one tag type number. Because the prior arts fail to teach all of the limitations of claim 23 and claim 25, Applicant respectfully asserts that claim 23 and claim 25 are patentable over Bauer in view of Cesar, and further in view of Vacherand.

Applicant respectfully asserts that Cesar does not teach the limitation “*the transponder terminates generation and emission of the plurality of presence-signaling signals on receiving the inventorying command signal*” of claim 24. Because the prior arts fail to teach all of the limitations of claim 24, Applicant respectfully asserts that claim 24 is patentable over Bauer in view of Cesar, and further in view of Vacherand.

Independent Claim 7

Claim 7 includes a similar limitation to claim 1. Because of the similarities between claim 1 and 7, Applicant respectfully asserts that the above remarks with regard to claim 1 apply also to claim 7. Accordingly, Applicant respectfully asserts that claim 7 is patentable over Bauer in view of Cesar, and further in view of Vacherand.

Independent Claim 8

Claim 8 includes a similar limitation to claim 1. Because of the similarities between claim 1 and 8, Applicant respectfully asserts that the above remarks with regard to claim 1 apply also to claim 8. Accordingly, Applicant respectfully asserts that claim 8 is patentable over Bauer in view of Cesar, and further in view of Vacherand.

Dependent Claims 10, 12, 13, and 21

Claims 10, 12, 13, and 21 depend from and incorporate all of the limitations of the independent claim 8. Applicant respectfully asserts that claims 10, 12, and 13 are allowable at least based on an allowable claim 8.

Independent Claim 14

Claim 14 includes a similar limitation to claim 1. Because of the similarities between claim 1 and 14, Applicant respectfully asserts that the above remarks with regard to claim 1 apply also to claim 14. Accordingly, Applicant respectfully asserts that claim 14 is patentable over Bauer in view of Cesar, and further in view of Vacherand.

Dependent Claims 16-19 and 22

Claims 16-19 and 22 depend from and incorporate all of the limitations of the independent claim 14. Applicant respectfully asserts that claims 16-19 and 22 are allowable at least based on an allowable claim 14.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the proposed amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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